

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures--Hearings

Article 1. Adjudicatory Hearings

§ 60051. Conduct of the Hearing.

The presiding officer shall govern the conduct of the hearing and shall make decisions on the admissibility of evidence. The following rules shall apply to any hearing held pursuant to the provisions of this article.

(a) The hearing need not be conducted according to the technical rules relating to civil procedure, evidence and witnesses which would apply in a court of law. Any relevant noncumulative evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Relevant noncumulative evidence and legal argument which does not raise significant new issues shall not be denied admission based solely upon the failure of the petitioner to state the evidence or legal argument in the petition for hearing.

(b) Oral testimony offered by any witness shall be under oath.

(c) The petitioner, the executive officer and interested persons shall each, subject to reasonable limitations imposed by presiding officer, have the right to call and examine witnesses, and to introduce exhibits. Parties may cross-examine opposing witnesses and offer rebuttal evidence if the presiding officer determines that cross-examination and rebuttal evidence is necessary to resolve disputed issues of material fact. The rules of privilege shall be effective to the extent that they are otherwise required by California statute to be recognized.

(d) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions.

(e) Official notice may be taken of any generally accepted technical or scientific matter within the state board's field of competence or any matter which may be judicially noticed by the courts of this state. Parties present at the hearing shall be informed of and given an opportunity to rebut the matters proposed to be noticed.

(f) Evidence in the form of affidavits shall be admissible if offered in accordance with Government Code Section 11514.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43105 and 44207, Health and Safety Code.

REFERENCE